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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 27 April 2009 from the Permanent Mission of China to the United Nations addressed to the Secretariat

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to inform the latter that the Government of the People's Republic of China has decided to present its candidature to the Human Rights Council for the term 2009-2012 at the elections to be held during the sixty-third session of the General Assembly in May 2009.

The Permanent Mission of China to the United Nations has the honour to present an aide-memoire containing the pledges and commitments of the Chinese Government to the promotion and protection of human rights (see annex).

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Annex to the note verbale dated 27 April 2009 from the Permanent Mission of China to the United Nations addressed to the Secretariat

Aide-memoire

The Government of the People's Republic of China has decided to present its candidature for re-election to the Human Rights Council of the United Nations for the term 2009-2012 at the elections to be held during the sixty-third session of the General Assembly in May 2009 in New York.

The Chinese Government is committed to the promotion and protection of human rights and fundamental freedoms of the Chinese people and has worked unremittingly toward this goal. Currently, in accordance with the principle that "the State respects and safeguards human rights" set out in the Constitution of the People's Republic of China, governments at all levels in China are conscientiously implementing the scientific outlook on development that puts people first, with a view to building a harmonious society featuring "democracy, the rule of law, fairness and justice".

Since China was elected as an inaugural member of the Human Rights Council in 2006, it has made remarkable achievements in the field of human rights in a short span of three years, and fulfilled the pledges and commitments made during its last campaign. These achievements mainly include (a) realizing free and compulsory education in both rural and urban areas; (b) promulgating such laws as the Law on Employment Contract and the Employment Promotion Law to better protect workers' rights; (c) promulgating and implementing such regulations as the Regulations on Public Access to Government Information and the Regulations on the Implementation of the Administrative Review Law to ensure citizens' rights to be informed of, to participate in and to oversee government affairs; (d) revising the Law on Lawyers to provide further protection of lawyers' rights in legal proceedings; (e) death penalty appeal cases being heard in open court sessions and the authority to review death penalty cases being restored to the Supreme People's Court; (f) requiring procuratorial organs nationwide to carry out audio-video recording of interrogation of persons suspected of public office abuse-related crimes; (g) revising the Law on the Protection of Minors to improve the legal system for protecting minors; (h) stepping up support for the development of areas inhabited by minority ethnic groups, protecting the culture, tradition and religion of minority ethnic groups; (i) revising the Law on the Protection of Disabled Persons and holding the Beijing Paralympic Games successfully, which further fostered the respect for and understanding and care of people with disabilities worldwide.

The Chinese Government respects the universality of human rights, and is committed to conducting dialogues and exchanges in the field of human rights with other countries based on equality and mutual respect. As one of the 47 inaugural members of the Human Rights Council, China contributed a lot to the institution-building of the Council, and has undertaken its first Universal Periodic Review with an open and frank attitude and in a highly responsible manner. Besides, China has actively participated in the work of the Third Committee of the General Assembly, the Human Rights Council Advisory Committee, the preparation of the Durban Review Conference of the World Conference against Racism and United Nations

activities celebrating the sixtieth anniversary of the Universal Declaration of Human Rights. With the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2008, China has acceded to a total of 25 international human rights instruments, including six core human rights conventions. China has earnestly fulfilled its obligations under the above-mentioned conventions and submitted reports on implementation on time. Six joint programmes, designed in accordance with the three-year memorandum of understanding on the Mutual Agreement to Cooperate in Development and Implementation of Technical Cooperation Programmes between China and the Office of the United Nations High Commissioner for Human Rights, have been successfully completed. China has conducted human rights dialogues and consultations with nearly 20 countries.

China is a developing country with a population of 1.3 billion. The level of development between its rural and urban areas and among different regions is uneven. Therefore, much work remains to be done in the field of human rights. With a view to implementing the principle that "the State respects and safeguards human rights" set out in the Constitution, and to furthering China's human rights cause, China has outlined the National Action Plan on Human Rights (2009-2010), which specifies the goals and measures in promoting and protecting human rights in the next two years. The Chinese Government will conscientiously implement this plan.

The Chinese Government wishes to make the following solemn commitments:

1. Exerting efforts to overcome the negative impact of the global financial crisis, safeguarding the economic, social and cultural rights of the people

China will carry out an economic stimulus package plan worth RMB 4 trillion, and speed up development of projects concerning people's well-being such as those in the field of education, health care and housing. A new poverty line will be adopted, and low-income rural residents will be covered by the poverty relief policy. The programme will benefit 40.07 million rural residents and narrow the gap between the urban and rural areas in terms of living standards. China will continue to implement a proactive employment policy, with the focus on facilitating the employment of those experiencing difficulties in finding jobs, such as rural migrant workers, urban unemployed people and people with disabilities. China will enhance the social safety net significantly, and make efforts to establish a system that ensures basic medical care and services for both urban and rural residents. China will strive to solve the housing problem of 10 million low-income urban families and families living in shantytowns within three years. China will continue to give high priority to developing education. It will formulate the Outline of the National Medium- and Long-Term Programme for Education Reform and Development through 2020, and achieve universal coverage of nine-year compulsory education throughout the country to ensure people's equal rights to education. In addition, China will complete within three years post-earthquake recovery and reconstruction in areas devastated by the massive Wenchuan earthquake of 12 May 2008.

2. **Continuing to promote the development of democracy and the rule of law, improve democratic institutions, enhance the protection of human rights in the field of administration, law enforcement and judiciary, and further protect civil and political rights**

China will deepen political restructuring; expand channels for people to participate in political affairs in an orderly manner and further promote democratic elections, decision-making, administration and oversight. China will gradually introduce the practice by which both urban and rural areas follow the same ratio of deputies to the represented population in elections of deputies to People's Congresses. China will improve the government news release and news spokesperson system, and increase the transparency of government affairs. China will further facilitate people's access to the Letters and Visits System to make complaints. China will support mass organizations and social organizations, such as trade unions and women's federations, in their work to protect people's legitimate rights and interests pursuant to law. China will stick to the policy of ensuring freedom of religious belief, and safeguard its people's freedom of religious belief. China will undertake 60 tasks in reforming the judicial system, further guarantee judicial justice, strengthen judicial supervision and provide further human rights education to public officers. Moreover, China will follow strict procedures concerning the sentencing and review of the death penalty. Forced confession is prohibited in China. China will revise the Law on State Compensation and other laws and regulations to improve protection of the rights of victims.

3. **Further protecting the rights and interests of women, children, minority ethnic groups and persons with disabilities**

China guarantees the rights of minority ethnic groups to manage their own affairs and state affairs pursuant to law. China will invest over RMB 2 billion for the development of minority ethnic groups in the next two years, and continue to provide necessary funds to renovate the temples and religious facilities that are of great historical and cultural value in areas inhabited by minority ethnic groups. China will fully achieve the goals set in the Outline for the Development of Chinese Women (2001-2010), encourage more women to participate in the management of state and social affairs, and ensure that women have equal rights with men in social life. China prohibits all kinds of domestic violence against women. Furthermore, China will accomplish the goals set in the Outline for the Development of Chinese Children (2001-2010), safeguard children's rights to subsistence and development and to participate. In addition, China will begin to formulate the Regulations on Rehabilitation of Persons with Disabilities and the Regulations on the Construction of Accessible Facilities, with a view to protecting the legitimate rights and interests of people with disabilities.

4. **Continuing to take an active part in the work of the Human Rights Council and the Third Committee of the General Assembly, and encouraging the above-mentioned institutions to deal with human rights issues in a fair, objective and non-selective manner**

China will earnestly fulfil its obligations set by the international human rights conventions it has acceded to, submit timely reports on implementation, and conduct constructive dialogues with relevant treaty bodies. China will continue to cooperate with human rights special procedures and respond to the communications transferred by them and will consider inviting one special rapporteur to visit China

this year. China will continue to conduct international exchanges and cooperation in the field of human rights based on equality and mutual respect, and continue bilateral human rights dialogues and consultations with countries concerned. China will continue technical cooperation with the Office of the United Nations High Commissioner for Human Rights.

China is ready to work with other countries in the world to promote the sound development of the human rights cause worldwide, and contribute to the building of a harmonious world of durable peace and common prosperity.